

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Thomas G. Moody,

Plaintiff,

v.

Theresa Bell, et al.,

Defendants.

Case No. 1:08cv796

Judge Michael R. Barrett

ORDER

This matter is before the Court on three separate Reports and Recommendations filed by the Magistrate Judge Hogan (Doc. 34, Doc. 35, and Doc. 37). Plaintiff filed a motion for a preliminary injunction and restraining order to stop defendants from serving bread and cereal as a main course for breakfast (Doc. 13). This motion was fully briefed and Magistrate Judge Hogan recommends that the motion be denied (Doc. 34). No objections were filed in response to this R&R. Plaintiff next filed another motion for preliminary injunction arguing that his access to the courts is being severely hampered (Doc. 32). Magistrate Judge Hogan recommends that this motion be denied (Doc. 35). Plaintiff filed objections to this R&R (Doc. 38). Finally, Plaintiff moved for summary judgment (Doc. 23). This motion was fully briefed and Magistrate Judge Hogan recommends that this motion be denied and that the matter be dismissed. (Doc 37). No objections were filed in response to this R&R.

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject

or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.” *Id.*; see also 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; “[a] general objection to the entirety of the magistrate’s report has the same effects as would a failure to object.” *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991). The *Howard* court went on to state. “The district court’s attention is not focused on any specific issues for review, thereby making the initial reference to the magistrate useless. The functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks. The duplication of time and effort wastes judicial resources rather than saving them, and runs contrary to the purposes of the Magistrates Act.” *Id.*

As to Plaintiff’s objections to the R&R recommending that Plaintiff’s motion for preliminary injunction regarding his access to the courts (Doc. 32), the Court finds that his filing does not raise a specific objection but instead is general in nature and merely restates his prior arguments. Thus, Plaintiff has failed to preserve this issue for review. However, despite Plaintiff’s failure, the Court has reviewed this matter de novo pursuant to 28 U.S.C. 636, and finds the Magistrate Judge’s Report and Recommendation to be correct. Plaintiff’s access to the court argument was not the subject of the complaint in this matter and, in fact, has been dismissed in another matter for which it was the subject of the complaint. See *Moody v. Weeks, et al.*, Case No. 1:09cv332-SJD-TSB, Doc.8.

As stated above, no objections were filed to the R&R recommending that the motion for preliminary injunction and restraining order to stop defendants from serving bread and cereal as a main course for breakfast be DENIED (Doc. 34) and none were filed in

response to the R&R recommending that the motion for summary judgment be DENIED and this matter DISMISSED. (Doc. 37). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). The Court has reviewed these two motions and subsequent briefings. Because the Court concludes the reasoning that supports the R&Rs has been correctly articulated by the Magistrate Judge, issuance of a detailed written opinion by this court would be duplicative and serve no useful purpose. Thus, for the reasons properly set forth in the Reports and Recommendations (Docs. 34 and 37), Plaintiff's motion for preliminary injunction (Doc. 13) and Plaintiff's motion for summary judgment (Doc. 23) are hereby DENIED.

Accordingly, it is **ORDERED** that the Reports and Recommendations (Docs. 34, 35 and 37) of the Magistrate Judge are hereby **ADOPTED**. Plaintiff's motion for a preliminary injunction and restraining order to stop defendants from serving bread and cereal as a main course for breakfast (Doc. 13) is hereby **DENIED**. Plaintiff's motion for preliminary injunction arguing that his access to the courts is being severely hampered (Doc. 32) is hereby **DENIED**. Plaintiff's motion for summary judgment (Doc. 23) is hereby **DENIED**. This matter is now closed. The Clerk of Court is directed to terminate this matter from the docket of this Court.

IT IS SO ORDERED.

s/Michael R. Barrett
UNITED STATES DISTRICT JUDGE